

OFFICIAL

DOCKET NO: 71550-45753-DIV2

#12
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10/30/01**FACSIMILE COVER SHEET**

To: The Assistant Commissioner for Patents
Washington, DC 20231

ATTENTION: **Examiner: Janet Andres** FAX NO. 1-703-308-0294

FROM: David G. Conlin
Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
Edwards & Angell
P.O. Box 9169
Boston, MA 02209
Facsimile Numbers: (617) 439-4170 or (617) 439-7748

TOTAL NUMBER OF PAGES: 12, INCLUDING COVER SHEET

Should there be any problems with the transmission of the following documents(s), please contact Louise M. Rappaport at telephone number (617) 439-4444.

RE: INVENTOR: **S. Hinuma, et al.**
SERIAL NO.: **09/461,436**
FILED: **December 14, 1999**
FOR: **G PROTEIN COUPLED RECEPTOR PROTEIN
PRODUCTION, AND USE THEREOF**

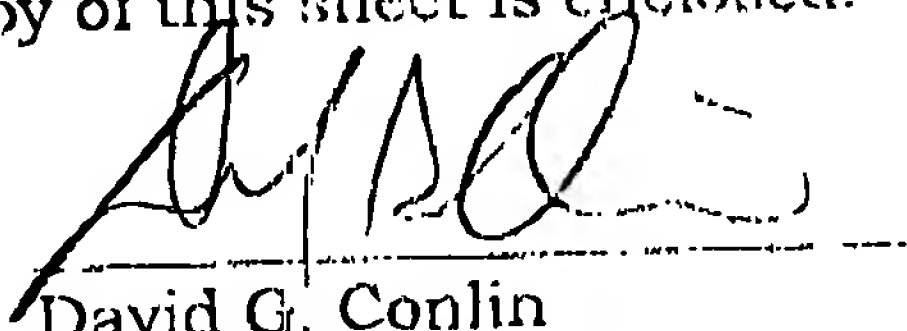
CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this copy of Submission of "Sequence Listing," Computer Readable Copy, And/or Amendment Pertaining Thereto For Biotechnology Invention Containing Nucleotide And/Or Amino Acid Sequence (with Request to Transfer) is being transmitted via facsimile on the date shown below to Examiner Janet Andres.

Please confirm that this document has been received and made part of the above-referenced file. Applicant does not believe a fee is required. However, if it is determined that the Sequence Listing was not received, please notify us immediately. The Commissioner is thereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.

04-1105. If an additional extension of time is required, please consider this a petition therefore and charge any additional fees which may be required to Deposit Account No. 04-1105. A duplicate copy of this sheet is enclosed.

Date: Oct 22, 2001 -



David G. Conlin
Nicholas Zachariades

11052 180728.1

Practitioner's Docket No. 45753-DIV 2 (71550)**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: S. Hinuma, et al.
Serial No.: 09/461,436
Filed: December 14, 1999
For: G PROTEIN COUPLED RECEPTOR PROTEIN
PRODUCTION, AND USE THEREOF

GROUP: 1646
EXAMINER: M. Pak

Box Sequence
Assistant Commissioner for Patents
Washington, D.C. 20231

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,
AND/OR AMENDMENT PERTAINING THERETO
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE
AND/OR AMINO ACID SEQUENCE**

(check and complete this item, if applicable)

1. ☒ This replies to the Office Letter DATED October 2, 2001.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

☒ A copy of the Office Letter is enclosed.

IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, David G. Conlin
(type or print name of person signing below)

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service
with sufficient postage as first class mail in an
envelope addressed to the Assistant
Commissioner for Patents, Washington, D.C.
20231.

FACSIMILE

☒ transmitted by facsimile to the Patent and
Trademark Office.

Louise M. Rappaport
Signature

Date: October 22, 2001

Louise M. Rappaport
(type or print name of person certifying)

state the following:

ITEMS BEING SUBMITTED

3. Submitted herewith is/are

(check each item as applicable)

- A. ☐ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.
- B. ☐ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. § 1.821(d).
- C. ☐ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824.
- D. ☒ Please transfer to this application, in accordance with 37 C.F.R. § 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:

Serial No.: 08/513,974

Filed: September 14, 1995

Patent No. 6,114,139

For: G PROTEIN COUPLED RECEPTOR PROTEIN
PRODUCTION, AND USE THEREOF

Group No.:

Examiner: Gupta

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form (other application)	"Sequence Identifier" (this application)
SEQ I.D. NO: 1-380	SEQ I.D. NO: 1-380

NOTE: "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference may be made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified." 37 C.F.R. 1.821(e).

B. ☐ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821(g).

☐ Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. § 1.821(b).

F. ☐ Because this submission is made in fulfilling the requirement under 37 C.F.R. § 1.821(g), a statement that the submission includes no new matter.

☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. § 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"
AND COMPUTER READABLE COPY ARE THE SAME
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

(complete applicable item A and/or B)

A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.

B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

STATUS

5. Applicant is

☐ a small entity. A statement:

☐ is attached.

☐ was already filed.

☒ other than a small entity.

EXTENSION OF TERM

6.

NOTE: *"Extension of Time in Patent Cases (Supplement Amendments) If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec. 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. 1.615 for extensions of time in interference proceedings and 37 C.F.R. 1.550(c) for extensions of time in reexamination proceedings.

7. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b) as applicable)

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

<u>Extension</u> <u>(months)</u>	<u>Fee for other than</u> <u>small entity</u>	<u>Fee for</u> <u>small entity</u>
<input type="checkbox"/> one month	\$110.00	\$ 55.00
<input type="checkbox"/> two months	\$400.00	\$ 200.00
<input type="checkbox"/> three months	\$950.00	\$ 475.00
<input type="checkbox"/> four months	\$1,510.00	\$ 755.00

Fee \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

FEE PAYMENT

8. ☐ Attached is a check in the sum of \$ _____.

☐ Charge Account No. _____ the sum of \$ _____
A duplicate of this transmittal is attached.

FEE DEFICIENCY

9.

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

10. [X] If any additional extension and/or fee is required, charge Account No. 04-1105

SIGNATURE(s)David G. Conlin*(type or print name of person signing statement)*
SignatureOct 22, 2001
Date

Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
P.O. Box 9169
Boston, MA 02209

Tel. No.: (617) 439-4444
Reg. No. 27026

11082_167797.1

Practitioner's Docket No. 45753-DIV 2 (71550)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: S. Hinuma, et al.
Serial No.: 09/461,436
Filed: December 14, 1999
For: G PROTEIN COUPLED RECEPTOR PROTEIN
PRODUCTION, AND USE THEREOF

GROUP: 1646
EXAMINER: M. Pak

Box Sequence
Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT AND TRANSMITTAL OF SUBSTITUTE SPECIFICATION
SHEETS (37 C.F.R. § 1.125)

NOTE: A substitute specification, excluding the claims, may be filed at any point up to payment of the issue fee if it is accompanied by items indicated below. See 37 C.F.R. § 1.125(b).

1. Please amend the specification by deleting pages 238-270 and substituting the substitute specification sheets 238-404 transferred from the parent application (U.S. Serial No. 08/513,974), now U.S. Patent No. 6,114,139.

[X] This substitute specification is submitted, in response to a requirement by the Examiner. Namely,
filing of SEQUENCE LISTING

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

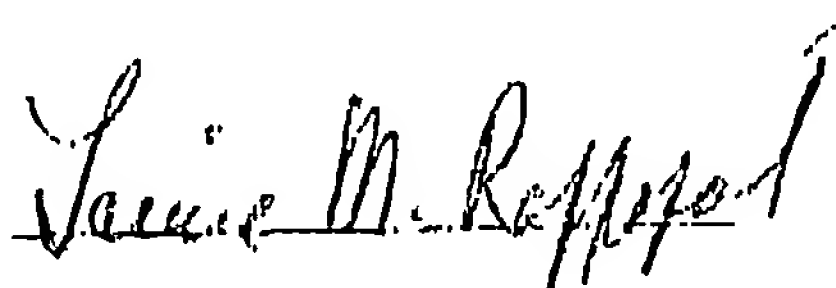
- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: October 22, 2001

Signature



Louise M. Rappaport
(type or print name of person certifying)

(Transmittal of Substitute Specification—page 1 of 2)

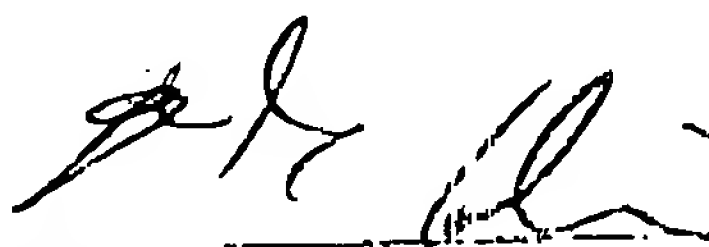
2. As required by 37 C.F.R. § 1.125, the undersigned states that the substitute specification transmitted herewith contains no new matter.

DATE: Oct 21, 2001

Tel. No.: (617) 523-3400

Reg. No. 27,026

11052, 130753.1



David G. Conlin
Attorney for Applicants

Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL LLP
P.O. Box 9169
Boston, MA 02209



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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10/10/99 TENNING

EXAMINER

EDWARDS & ANGELL LLP
 DIKE, BRONSTEIN, ROBERTS & CUSHMAN
 101 FEDERAL ST. BOSTON, MA 02110
 TEL: 617.267.1000
 FAX: 617.267.1000

ART UNIT

PAPER NUMBER

DATE MAILED:

10/05/01

RECEIVED

OCT 05 2001

EDWARDS & ANGELL LLP
 DIKE, BRONSTEIN, ROBERTS & CUSHMAN
 101 FEDERAL ST. BOSTON, MA 02110

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Sequence Listing (can be extended to 4/1/02)

Edwards & Angell LLP

Dike, Bronstein, Roberts & Cushman

101 Federal St. Boston, MA 02110

Date Rec'd 10/5/01

Docketed For Oct 15 - Nov 1 2001

By LED

Approved 10/19/01 LMR



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/401438	12/14/1999	Hinuma	45753-DIV2

EXAMINER	
Janet Andres	
ART UNIT	PAPER NUMBER
1640	9

Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant has requested that the listing from 09/038572 be used; however, there is no sequence listing for that application. Applicant may request that the listing for parent 08/513974 be used as there is a sequence listing entered for that application.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Janet Andres whose telephone number is (703) 305-0557. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Yvonne Eyler whose telephone number is (703) 308-6564. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Yvonne Eyler
YVONNE EYLER, Ph.D.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Application No.: 09/461436

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Applicant may request that the CRF listing from parent 08/013974 be used. There is no listing for 09/038572

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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